

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COUNTY OF MONMOUTH and DIANE,  
SCAVELLO, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

RITE AID CORPORATION and RITE AID  
HDQTRS. CORP.,

Defendants.

Civil Action No. 2:20-cv-02024-MSG

**STIPULATION AND ORDER REGARDING  
STAY OF FURTHER PROCEEDINGS**

Plaintiffs County of Monmouth and Diane Scavello and Defendants Rite Aid Corporation and Rite Aid Hdqtrs. Corp. (“Defendants”) (collectively, the “Parties”), by and through their respective counsel, having stipulated and agreed, subject to the approval of the Court, to the entry of a stipulation and order staying further proceedings in this matter pending the ongoing appeal.

**WHEREAS**, on April 27, 2020, Plaintiff County of Monmouth, a third-party payor (“Plaintiff Monmouth”), and Plaintiff Diane Scavello, an individual consumer (“Plaintiff Scavello”), filed a class action complaint (ECF No. 1);

**WHEREAS**, on July 24, 2020, Defendants filed a motion to compel arbitration of Plaintiff Scavello’s claims (ECF Nos. 37-39); on September 2, 2020, Plaintiffs opposed Defendants’ motion to compel (ECF No. 49); and, on September 28, 2020, Defendants filed a reply in further support of their motion to compel arbitration (ECF No. 59);

**WHEREAS**, on August 14, 2020, Defendants filed a motion to dismiss the amended complaint only as to Plaintiff Monmouth’s claims pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 43); on September 29, 2020, Plaintiffs opposed Defendant’s motion to dismiss (ECF No. 60); on

October 13, 2020, Defendants filed a reply in further support of their motion to dismiss (ECF No. 67); and, on March 31, 2023, the Court denied Defendants' motion to dismiss Plaintiff Monmouth's claims (ECF Nos. 114-115);

**WHEREAS**, on March 31, 2023, after having heard oral argument on March 6, 2023 (ECF Nos. 109-110), the Court issued its opinion denying Defendants' motion to compel arbitration of Plaintiff Scavello's claims (ECF Nos. 112-113);

**WHEREAS**, on April 7, 2023, Defendants filed a notice of appeal only as to the Court's denial of Defendants' motion to compel arbitration of Plaintiff Scavello's claims;

**WHEREAS**, on April 19, 2023, the Court ordered that the case be removed from suspense (ECF No. 121);

**WHEREAS**, the United States Supreme Court issued its opinion in the matter of *Coinbase, Inc. v. Abraham Bielski*, No. 22-105, 2023 WL 4138983, at \*7 (U.S. June 23, 2023), whereby it held that "with respect to an interlocutory appeal of a trial court order denying arbitration, a trial court must always 'stay its pre-trial and trial proceedings while the interlocutory appeal is ongoing'";

**WHEREAS**, the Parties, having met and conferred on this issue, hereby submit that a stay of further proceedings in this matter is warranted in light of the Supreme Court ruling in *Coinbase* and in the best interest of efficient and resourceful use of judiciary and party resources;

**IT IS HEREBY STIPULATED AND AGREED** by the Parties hereto, through their undersigned counsel and subject to the approval of the Court, as follows:

1. Further proceedings in this case shall be stayed pending resolution of the Defendants' appeal presently before the United States Court of Appeals for the Third Circuit, *County of Monmouth, et al. v. Rite Aid Corp, et al.*, No. 23-01655 (3d. Cir.).

Dated: July 11, 2023

Respectfully submitted,

**SCOTT+SCOTT  
ATTORNEYS AT LAW LLP**

s/ Joseph P. Guglielmo

Joseph P. Guglielmo (*pro hac vice*)  
Carey Alexander (*pro hac vice*)  
Amanda M. Rolon (*pro hac vice*)  
Ethan Binder (*pro hac vice*)  
The Helmsley Building  
230 Park Avenue, 17th Floor  
New York, NY 10169  
Telephone: (212)-223-6444  
Facsimile: (212)-223-6334  
jguglielmo@scott-scott.com  
calexander@scott-scott.com  
arolon@scott-scott.com  
ebinder@scott-scott.com

Erin Green Comite (*pro hac vice*)

**SCOTT+SCOTT  
ATTORNEYS AT LAW LLP**

156 South Main Street  
P.O. Box 192  
Colchester, CT 06415  
Telephone: (860) 537-5537  
Facsimile: (860) 537-4432  
ecomite@scott-scott.com

Mark J. Dearman

Stuart A. Davidson (*pro hac vice*)

**ROBBINS GELLER RUDMAN  
& DOWD LLP**

120 East Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
Telephone: (561) 750-3000  
Facsimile: (561) 750-3364  
mdearman@rgrdlaw.com  
sdavidson@rgrdlaw.com

David W. Mitchell (*pro hac vice*)

Arthur L. Shingler III (*pro hac vice*)

**ROBBINS GELLER RUDMAN**

**HUNTON ANDREWS KURTH LLP**

s/ Thomas R. Waskom

Thomas R. Waskom (PA Bar #321664)  
951 E. Byrd Street  
Richmond, VA 23219  
Telephone: 804-788-8200  
Facsimile: 804-788-8218  
twaskom@huntonak.com

**HUNTON ANDREWS KURTH LLP**

Neil K. Gilman (*pro hac vice*)  
Christopher J. Dufek (PA Bar # 316902)  
Destiny T. Stokes (*pro hac vice*)  
2200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037  
Telephone: 202-955-1500  
Facsimile: 202-778-2201  
ngilman@huntonak.com  
cdufek@huntonak.com  
dstokes@huntonak.com

**HUNTON ANDREWS KURTH LLP**

John B. Shely (*pro hac vice*)  
Courtney B. Glaser (*pro hac vice*)  
Kelsey J. Hope (*pro hac vice*)  
600 Travis Street  
Houston, TX 77002  
Telephone: 713-220-4200  
Facsimile: 713-220-4285  
jshely@huntonak.com  
courtneyglaser@huntonak.com  
kelseyhope@huntonak.com

*Attorneys for Defendants Rite Aid Corporation  
and Rite Aid Hdqtrs Corp.*

**& DOWD LLP**

655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: (619) 231-1058  
Facsimile: (619) 231-7423  
davidm@rgrdlaw.com  
ashingler@rgrdlaw.com

Charles E. Schaffer (*pro hac vice*)  
David C. Magagna, Jr. (*pro hac vice*)  
**LEVIN SEDRAN & BERMAN, LLP**  
510 Walnut Street – Suite 500  
Philadelphia, PA 19106  
Telephone: (215) 592-1500  
Facsimile: (215) 592-4663  
cschaffer@lfsblaw.com  
dmagagna@lfsblaw.com

George C. Aguilar (*pro hac vice*)  
**ROBBINS LLP**  
5040 Shoreham Place  
San Diego, CA 92122  
Telephone: (619) 525-3990  
Facsimile: (619) 525-3991  
gaguilar@robbinsllp.com

Lance A. Harke (*pro hac vice*)  
**HARKE PA**  
9699 NE Second Avenue  
Miami Shores, FL 33138  
Telephone: (305) 536-8220  
Facsimile: (305) 536-8229  
lharke@harkepa.com

*Attorneys for Plaintiffs*

**SO ORDERED:**

Dated: July 12, 2023

/s/ *Mitchell S. Goldberg*  
HON. MITCHELL S. GOLDBERG, J.  
United States District Judge